

STATE OF SOUTH CAROLINA

(Caption of Case)

LEONID KADOSHINKOV,

Complainant/Petitioner,

v.

BROAD RIVER ELECTRIC COOPERATIVE,
INC. AND DUKE ENERGY CAROLINAS, LLC,

Respondents.

219069
BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2009 - 356 - E

(Please type or print)

Submitted by: Trent N. Pruett

SC Bar Number: 4-5-8-5

Telephone: (864) 488-012

Address: 202 North Petty Street

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Gaffney, South Carolina 29340

Other:

Email: pruettlawfirm@bellsouth.net

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input checked="" type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

Print Form

Reset Form

RECEIVED
PSC SC
DOCKETING DEPT.

219069

PRUETT LAW FIRM

Trent N. Pruett, Attorney At Law
202 N. Petty Street
Gaffney, South Carolina 29340
Phone (864) 488-0120 Fax (864) 488-0803
E-mail *pruettlawfirm@bellsouth.net*

September 10, 2009

Public Service Commission of South Carolina
Attention: Docketing Department
Post Office Drawer 11649
Columbia, South Carolina 29211
(CERTIFIED MAIL)

RECEIVED

Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
(CERTIFIED MAIL)

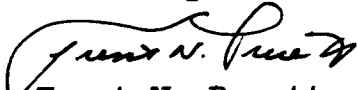
PSC SC
DOCKETING DEPT.

Re: Leonid Kadoshnikov v. Broad River Electric Cooperative, Inc.,
and Duke Energy Carolinas, Docket No.: 2009-356-E

To Whom It Concerns:

Please find enclosed the Answer of Broad River Electric Cooperative, Inc., in the above cited action. Also enclosed is a Certificate of Service By Mail, which reflects that Broad River Electric Cooperative, Inc., has served the other parties to this action. Please contact my office if you have any questions about this matter.

Sincerely,


Trent N. Pruett

Enclosed: Answer to Complaint/Cover Sheet/Certificate of
Service by Mail

c: Leonid Kadoshnikov
153 Gaines Drive
Inman, South Carolina 29349
(CERTIFIED MAIL)

Catherine E. Heigel, Assistant General Counsel
Duke Energy Corp.
526 South Church Street, EC03T
Charlotte, North Carolina 28202
(CERTIFIED MAIL)

Broad River Electric Cooperative, Inc.
Attn: J. Richard Baines, President and CEO
Post Office Box 2269
Gaffney, S.C. 29342

Broad River Electric Cooperative, Inc.
Attn: Douglas Wilson, Assistant Manager
Post Office Box 2269
Gaffney, S.C. 29342

STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION

DOCKET NO.: 2009-356-E

LEONID KADOSHNIKOV,)	
)	
Complainant/Petitioner,)	
)	
v.)	
)	ANSWER OF THE RESPONDENT,
BROAD RIVER ELECTRIC)	BROAD RIVER ELECTRIC
COOPERATIVE, INC. AND)	COOPERATIVE, INC.
DUKE ENERGY CAROLINAS, LLC,)	
)	
Respondents.)	
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The Respondent, Broad River Electric Cooperative, Inc., answering the complaint/petition of the Complainant/Petitioner, Leonid Kadoshnikov, would respectfully allege and show unto this honorable Commission, the following:

1. That each and every allegation set forth in the complaint/petition of the Complainant/Petitioner, unless admitted, qualified or explained, is hereby denied.

2. That the Respondent is informed and believes that the Complainant/Petitioner, Leonid Kadoshnikov, resides at 158 Gaines Drive, Inman, South Carolina 29349, which is located in Spartanburg County, South Carolina; and that the Complainant/Petitioner is currently a member of Broad River Electric Cooperative, Inc., and is receiving electric service from the Respondent.

3. That the Respondent is an electric cooperative organized under the laws of South Carolina, having its principal offices at 811 Hamrick Street, Gaffney, South Carolina 29340; and that the primary business of the Respondent is to provide electric service to its members, which in South Carolina, are located in Spartanburg County, Newberry County, Union County, and Cherokee County.

4. That with respect to the allegations set forth in paragraph one (1) of the complaint/petition in this action, the Respondent admits that there is a rate differential between the current electric rates of the Respondent and Duke Energy Carolinas, but denies that the rates as alleged in the complaint/petition are correct.

5. That with respect to the allegations set forth in paragraph two (2) of the complaint/petition in this action, the Respondent denies that the Respondent does not have customer programs to help with costs, efficiency programs, etc.

6. That with respect to the allegations set forth in paragraph three (3) of the complaint/petition in this action, the Respondent lacks information to admit or deny the allegations made by the Complainant/Petitioner as to the spiking of power; however, the Respondent states that the electric service as provided by the Respondent to the Complainant/Petitioner has been adequate, dependable, and nondiscriminatory.

7. That with respect to the allegations set forth in paragraph four (4) of the complaint/petition in this action, the Respondent would respond by stating that the provisions of S.C. Code Ann. §58-27-610, et seq., also known as the Territorial Assignment Act of 1969, were not enacted during "slavery time"; and that the underlying policy and reasons for which the Territorial Assignment Act of 1969 was originally enacted, are as relevant today as they were in 1969, i.e., to eliminate unnecessary waste and duplication among those entities providing electric service in South Carolina.

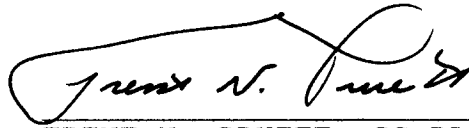
8. That with respect to the allegations set forth in paragraph five (5) of the complaint/petition in this action, the Respondent lacks information to admit or deny the allegations made as to the heating of the Complainant/Petitioner's home.

9. That with respect to the allegations set forth in paragraphs six (6) and seven (7) of the complaint/petition in this action, which relate to the right of the Respondent to serve the Complainant/Petitioner and others similarly situated, the Respondent responds by stating that the area in which the Complainant/Petitioner resides, and receives his electric service, is within the territory assigned by the Public Service Commission to be served by the Respondent, pursuant to the provisions of S.C. Code Ann. §58-27-610, et seq., also known as the Territorial Assignment Act of 1969. That the principal reason alleged by the

Complainant/Petitioner's for requesting the transfer or reassignment of his electric service is that Duke Energy Carolinas provides electric service at a lower rate, than the current rate of the Respondent. Such reason does not justify the reassignment of service territory. Additionally, the said complaint/petition does not allege that the electric service as provided by the Respondent to the Complainant/Petitioner has been inadequate, undependable, or discriminatory; and that the Respondent knows of no facts or circumstances that could give rise to any claim that the Respondent's electric service to the Complainant/Petitioner has been inadequate, undependable, or discriminatory.

10. That based upon the allegations set forth in the complaint/petition, the Complainant/Petitioner has not set forth any facts or circumstances upon which the Public Service Commission, could grant the relief as requested by the Complainant/Petitioner's petition.

WHEREFORE, having answered the complaint/petition of the Complainant/Petitioner, the Respondent would respectfully request that this honorable Commission deny the relief sought by the Complainant/Petitioner, and that the complaint/petition be dismissed with prejudice.



TRENT N. PRUETT, SC BAR NO. 4585
Attorney for the Respondent,
Broad River Electric Cooperative, Inc.
202 North Petty Street
Gaffney, South Carolina 29340
(864) 488-0120 (Telephone)
(864) 488-0803 (Fax)
pruettlawfirm@bellsouth.net

September 10, 2009

STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION
DOCKET NO.: 2009-356-E

LEONID KADOSHNIKOV,)
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Complainant/Petitioner,)
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BROAD RIVER ELECTRIC)
COOPERATIVE, INC. AND)
DUKE ENERGY CAROLINAS, LLC,)
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Respondents.)
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**CERTIFICATE OF SERVICE
BY MAIL**

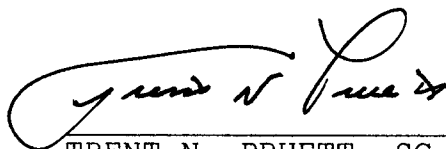
The undersigned does hereby certify that on September 10, 2009, he deposited in the United States Mail, postage prepaid and by certified mail, the "Answer the Respondent, Broad River Electric Cooperative, Inc." in the above captioned matter, addressed to the following persons:

Public Service Commission of South Carolina
Attention: Docketing Department
Post Office Drawer 11649
Columbia, South Carolina 29211

Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, S.C. 29201

Leonid Kadoshnikov
153 Gaines Drive
Inman, South Carolina 29349

Catherine E. Heigel, Assistant General Counsel
Duke Energy Corp.
526 South Church Street, EC03T
Charlotte, North Carolina 28202



TRENT N. PRUETT, SC BAR NO. 4585
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September 10, 2009